July 07, 2022

Committee on the Elimination of Racial Discrimination

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Dear Honorable Committee on the Elimination of Racial Discrimination,

Please accept this official letter that addresses Racial Discrimination with a particular focus on education and the sovereignty of Indigenous peoples. I will outline my key points in the Executive Summary and will provide as much information in the Description of the Situation regarding the factual data, statistics, citations, names, dates, timelines, eyewitness accounts, testimonies, and statements by impacted community.

If applicable, I would like this letter to also serve as a request for long term action regarding institutional systemic racism found in various forms in the US educational system k-12 and at all levels in higher education for the Human Rights Officer and Secretary of the Commission on the Elimination of Racial Discrimination Human Rights Treaties Division. I am making this request based on UNDRIP “minimum standards”.

Respectfully Submitted,

Genizaro Affiliated Nations (GAN)

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Executive Summary

1. Our earliest histories inform us that this country- the United States of America was founded on stolen Indigenous lands and that the wealth bestowed on the first colonizers was direct result of Black slavery.
2. The US Supreme Court's decision a few days ago reversing hundreds of years of settled federal Indian law and substantively compromising the territories and sovereignties of the Lakota and all other "Indian" nations by extending "inherent" state sovereignty to cover crimes by non-Indians against Indians within Indian territory (the Cherokee nation). I am attaching the decision Oklahoma vs. Castro- Huerta. The current proposed mining in the Black Hills on July 08, 2022, is a prime example of kick them (Indigenous Nations) while they are down when sovereignty is being compromised. This tactic is used in most institutions regarding Indigenous peoples.
3. American colonization is a form of slavery that primarily affects Indigenous and Black people and people of color (BIPOC). However, any person whose mind and heart are colonized will exhibit the bondage of colonialism. Colonialism is the core foundation of the US education system k-12 and higher education.
4. The more laws and regulations the US government subjects to its citizens that are directed to Indigenous and BIPOC the more poverty and crime this country will face.
5. America is one of the most racist countries on mother earth, yet Americans who believe deeply in their “democracy” will not change.
6. Indigenous and BIPOC people have never had collective social power and legal authority in any institution in this country which is another form of racial discrimination.
7. The educational institutions in the US were created to enforce American colonialism and to maintain white supremacy. Fagen, 2010 states: “Among the important ingredients of the white racial frame (superiority) are (1) the recurring use of physical characteristics, such as skin color, and facial features, to differentiate social groups; (2) the constant linking of physical characteristics to cultural characteristics; and (3) the regular use of physical and linked cultural distinctions to differentiate socially “superior” and “inferior” groups.
8. White supremacy’s racism keeps Indigenous and BIPOC economically disadvantaged.
9. The educational and government institutions in this country were not designed for Indigenous people to succeed and to disallow Indigenous and BIPOC the human right to have a voice, a life free from oppression and the opportunity to succeed as individuals, families, communities and sovereign nations.
10. The long-term, colonial, education system k-12, college and university impacts Indigenous peoples who are citizens of this country. Indigenous peoples are required to attend public school with little to no educational choices. Except for two-year tribal community colleges where one could receive a post-secondary education.

Introduction Statement

GAN, and certainly other Indigenous colleagues and Black, Indigenous, People of Color aka BIPOC have suffered by the perpetual institutionalized systemic racism at Bemidji State University including the US public schools k-12. From GAN’s knowledge in dealing with treaty work directed attention to systemic institutional racism and its specifics regarding this debilitating condition needs to be brought to light.

Dr. Vivian Delgado, a traditional GAN elder council member is a retired Professor of Indigenous Studies as of December 2021. At Bemidji State University she held a faculty probationary tenure track position for ten years. Delgado designed a four-year degree program for the university in Indigenous Studies that is currently being taught and graduating students with Bachelor of Arts degrees.

Classes taught (See Five Year Plan Addendum)

Awards (See Addendum)

Positions held Ind Adv to Pres, Interim Assistant Dean, (the first ever native person to hold an upper tier administrative position in the history of the university. (See Addendum)

Racism was/is prevalent at Bemidji State University which is in Bemidji, Minnesota a border town to three of the largest Ojibwe reservations in the state. It is located thirty miles from the Canadian border. Bemidji State University was built on treaty land where the former Red Cedar Lake now called Leech Lake and Red Lake Nation meet in Bemidji.

At BSU, Delgado was subjected to apply for tenure and promotion three times and was turned down all three times. The Chairperson of the Indigenous Studies Department led a campaign that successfully diminished her tenure promotion applications. Although, Dr. Anton Treuer was self-identified as Ojibwe his demeanor was abusive, exhibited white superiority, and demonstrated the perfect example of lateral violence. He had clearly spent his 20 plus years at the university aligning himself with the white male faculty and administration who believed Dr. Treuer had local tribal clout. All the administrative supervisors of Delgado’s position were white males and one white female, the president of the college. Dr. Treuer resented Delgado for not being Ojibwe, being an older female, having to share the limelight with her expertise in Indigenous Studies and later being resentful with the idea that she received a prestigious $200,000 grant from the Bush Foundation.

In addition, Dr. Treuer aligned himself with Dr. James Barta, the third Dean to supervise Indigenous Studies. With Dr. Barta they waged continual, overt and covert harassment to try to get Delgado fired. She left in May of 2021 after a bout with colon cancer and officially announced to BSU that I would not be returning two weeks before the fall semester began in 2021.

Seven Indigenous women including Delgado left BSU for various reasons within a one-year time frame, one person- Delgado was not tenured I identify as Puebloan, two- Dr. Corrie Santos and Dr. Alana Smith had contracts that were not re-newed one was Ojibwe and the other Navajo-Apache, two retired both Ojibwe, one- Dr. Evie Campbell was not promoted, Ojibwe, one- Molly Aitkin (staff) left for personal reasons, also Ojibwe.

There was no support to keep Delgado or any of these women employed, no native or white faculty or staff advocated on their behalf, no follow-up to our departure was ever done.

Two of these women filed charges with the Minnesota Human Rights Office they are Dr. Vivian Delgado and Dr. Cornelia Santos based on race, color, discrimination, gender, agism and physical disability (temporary).

During Delgado’s teaching there was a succession of four chairs for her department, four deans, three provosts and three presidents and all white by race.

The mistrust between Indigenous peoples and whites in Bemidji have approximately over a 150- year history. Most origins of the mistrust began with trading and land theft and exists today where negative stereo types of Indigenous peoples prevail. Some of those stereotypes include the lazy Indian, the drunk, uneducated, the unemployed, dirty and homeless.

The intense racism that Indigenous people experience in Bemidji is based on white superiority and can be felt in the atmosphere especially in stores and many public places such as BSU, restaurants, educational, medical, and legal institutions where business is conducted (list is not exhaustive).

Land and resource theft especially involving logging is not new in any given reservation in the US and is blatantly obvious in Bemidji where all the wealth is held by non-Indigenous peoples. Poverty is present in the town of Bemidji and certainly on all three reservations where unemployment is high. However, it was estimated that Red Lake Nation brings in approximately 25 million dollars to the town of Bemidji for food, clothing, and vehicles among other purchases. The estimated dollar amounts coming to Bemidji from Leech Lake and White Earth are close to the same number.

Delgado addressed racism in Bemidji and applied for and received a 200,000-dollar Bush Foundation grant aimed at anti-racism strategies in the border town of Bemidji over a three-year period. The grant period was later extended to include an additional year due the pandemic.

Delgado’s issues with racism and lateral violence occurred before she received the Bush Foundation grant and believes her receiving this grant escalated her situation because for the first time systemic institutionalized racism and racism were being openly discussed with all racial groups.

Description of the Situation

Fagen, 2010 states, “Rationalizing the destruction of Indigenous peoples and enslavement of Africans in North America apparently seemed essential to the European colonizers. Their early framing soon became systematically racialized as distinctive *white racial frame* because these Europeans seemed to need that framing to rationalize and interpret for themselves and others their extensive land and labor theft from Indigenous peoples and their labor theft from Africans.

Systemically we see patterns of government decisions that affect Indigenous people for example, in the recent supreme court ruling in the Oklahoma vs Castro-Huerta decision. The federal government creates vulnerability among Indigenous nations by these decisions and then the state governments, and some federal government agencies rapidly endorse government led mining and extraction on treaty lands that in turn affect the local tribes, their natural resources, climate crisis, drinking water, and health, thus contributing to an already diminished economy. It is a kick them when their down philosophy because it makes it more difficult to for Indigenous nations to oppose these proposals when the federal government it attempting to limit one’s sovereignty. This attitude extends to educational and other institutions where the colonizers believe that they have the right to make decisions without free, prior and informed consent of the Indigenous peoples aka UNDRIP.

Colonialism is at an all-time high in this country where Indigenous people see uncertainty in most aspects of their daily lives. Feng and English, 1972 describe this condition as, “The more laws and restrictions there are, the poorer people become. The sharper men’s weapons the more trouble in the land. The more ingenious and clever people are, the more strange things happen. The more rules and regulations, the more thieves and robbers.”

It has been and continues to be extremely difficult for Indigenous peoples to get the States and non-Indigenous people to see that Indigenous people come from a different world view. Honesty and virtue are held very highly in this view and yet we are forced to deal with corruption and unwavering theft of not only our mother earth but of the human mind as well.

Colonialism as a bondage of the mind needs to be addressed because colonists and colonial rule is present in every color of man and serves as a product of lateral violence. This concept is important in systemic institutionalized racism because your own people will sell you out if it promotes their best interest by presenting as a colonized person thus upholding a system that continues to destroy our people and is commonly practiced in the education system at all levels.

If you have white privilege based on skin color as a self-identified Indigenous person, you will not suffer in the same manner as a person of color. The idea that Indigenous people are inferior to whites based on the color of skin is embedded in the white racial frame.

The behaviors regarding white privilege are taught and enforced in the public-school systems. Where historically Indigenous presence, history, culture, language and other contributions have never been taught in the k-12 school systems until recently and with great opposition and limited knowledge. In addition, very few Indigenous and BIPOC historically have been present as teachers, and administrators in this system or in any decision-making capacity. The entire design of the US public school and college systems was to enable white students to succeed at the cost of failure to Indigenous students, faculty and administrators of color. Indigenous people are operating in an unequal playing field in a system that is not theirs.

Delgado was fully qualified in her position as a tenure probationary assistant professor of Indigenous Studies, having a doctorate in Native American Philosophy and Higher Education. A degree that she developed in her doctoral program to fit her life experience and traditional knowledge that she brought with her to Bemidji State University. The classes that she developed and taught were based on de-colonizing higher education and Indigenous people who were learning about their own culture and heritage for the first time at the college level. Indigenous Studies can be very dark as it addresses genocide, land and natural resource theft via treaties that were never honored, anti-Indian Law, the colonial federal government system, and systemic institutionalized racism. The idea of an actual Social Justice curriculum for Indigenous students was very threatening to the university. To this day, Dr. Delgado’s curriculum/syllabi, classes, and materials are still being used to teach her classes as well as her image on their website to promote the degree in Indigenous Studies with no recognition or benefit given to her. Delgado’s attempt to address the racism at BSU extended to the President’s Cabinet where she trained the entire President’s Cabinet on Turtle Island and beginning Indigenous Studies curriculum.

Exhaustion of the Process

Delgado was harmed at this institution by being disrespected, micro and macro aggressions, patriarchal attitudes, and non-generous colonial decisions, to name a few. Delgado’s process began with grieving to the Inclusion and Equity Office on Campus, the Indigenous Advisory Council faculty members, Endahzi-manidoowaadak Team (Bush Foundation) and more importantly the Minnesota Department of Human Rights (a state office). In addition, the responses given by the Human Rights Department of the State of Minnesota were grossly downplayed and never touched on the real issue which is racism at the heart of the verbal, psychological, emotional, mental and spiritual assaults directed to her. (See Addendum). Delgado then sought and received legal representation. Her case is still waiting for mediation or a jury trial with a deadline in March 2023.

As she understands this situation, a state office MNDHR cannot file a suit against another state entity BSU.

As a result of the lack of professional consideration and failure to address BSU from the MNDHR Dr. Delgado is currently being represented by:

Joni M. Thome | MSBA Certified Employment Law Specialist

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Respectfully Submitted by: Genizaro Affiliated Nations

Dr. Vivian Delgado